

In re Patent Application of:
FOLIO
Serial No. 09/896,894
Filed: **JUNE 29, 2001**

REMARKS

Applicant thanks the Examiner for the thorough examination of the present application. In the response to the Office Action dated September 12, 2002, Applicant noted that the Examiner did not mark reference "AR" as having been considered on the information disclosure statement. Applicant again requests that the Examiner confirm that reference "AR" has been considered.

In view of the supporting arguments presented in detail below, it is submitted that all of the claims are patentable.

I. Independent Claims 1, 19, 32, and 51 are patentable over Karamon et al. in view of Oltman et al.

The Examiner rejected independent Claims 1, 19, 32, and 51 over the Karamon et al. patent in view of the Oltman et al. patent. More particularly, the Examiner contended that the Karamon et al. patent discloses auxiliary audio being synchronized with the conventional audio portion of the cinema. The Examiner further contended that Oltman et al. discloses wireless transmission of audio through wireless transmitters and receivers. The Examiner then concluded that it would have been obvious to use the wireless headphone system disclosed by Oltman et al. in combination with the system disclosed by Karamon et al. to allow audience members to be seated wherever they desire instead of in preselected locations, as disclosed in Karamon et al. Applicant submits that the Examiner has used impermissible hindsight reconstruction to very selectively assemble disjoint pieces of

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the prior art. There is no proper motivation in the prior art for the selective combination of references.

Karamon et al. discloses the synchronization of a movie sound track with the motion picture image, or a sound track of a different language with the ordinary motion picture sound track so that segments of a cinema audience sitting in preselected seats may choose a translation sound track. More particularly, the Karamon et al. patent notes that the auxiliary digital sound source is "locked in time" to an analog sound track of a cinema film (column 1, lines 22-25), and that the visual information is shown in conjunction with the auxiliary audio, "which is in perfect synchronism with the picture" (column 3, lines 1-11).

The Oltman et al. patent discloses a wireless headphone system to permit transient individuals to roam within a predetermined area while enhancing the sound quality delivered to the individuals. More specifically, the Oltman et al. patent discloses transmitting signals on a number of separate code channels with each code channel having its signal delayed by a preset period relative to the previous channel. Analysis of the multiple reference channels provides the headset with an approximate radial distance from the stage. An appropriate channel is then selected depending on the listener's distance from the stage so that the sound transmitted to the headset is delayed (column 3, lines 40-56). In other words, Oltman et al. discloses intentionally delaying sound transmitted from the stage to the headset. This, of course, un-synchronizes the image of the performer from the

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sound - just the opposite of the primary Karamon et al. patent reference.

One skilled in the art would recognize that combining Karamon et al. and Oltman et al. would destroy the operability of Karamon et al. In other words, intentionally delaying the synchronization of the sound, as disclosed in Oltman et al., would completely destroy the operability of a synchronization system for "perfectly synchronizing" a movie sound track with motion picture images.

The Examiner recognized that Karamon et al. fails to disclose wireless transmission of audio, and looks to the Oltman et al. reference to find this recitation. Applicant submits that there is no proper motivation to combine the references. Instead, the Examiner appears to be using improper hindsight reconstruction based upon Applicant's specification to selectively combine disjoint bits and pieces of the prior art in an attempt to produce the claimed invention. In other words, in making the proposed combination of the Karamon et al. patent and the Oltman et al. patent, the Examiner is not taking into consideration what the references teach as a whole. Instead, the Examiner has removed one small facet of the Oltman et al. reference for combination with the primary Karamon et al. patent reference, and has labeled the rest of the Oltman et al. disclosure as being inapplicable (see final Office Action page 17, paragraph 8).

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II. Independent Claim 44 is patentable over Karamon et al. in view of Oltman et al., and further in view of Denenberg

The Examiner rejected independent Claim 44 over the Karamon et al. patent, in view of the Oltman et al. patent, and further in view of the Denenberg patent. More particularly, the Examiner contended Denenberg discloses a wireless headset capable of infrared transmission.

The Denenberg patent discloses a wireless headset with active noise cancellation using either infrared or radio frequency control. More specifically, the wireless headset is used in emergency vehicles to block the noise of the siren and allow emergency personnel to communicate.

Applicant asserts that the proposed combination still fails to disclose an infrared transmitter connected to a supplemental audio content player, and an infrared receiver connected to an earphone that cooperates with the infrared transmitter to deliver supplemental audio content to a movie patron. Accordingly, Applicant asserts that a combination of the cited references still fails to disclose the claimed invention.

Further, and as noted above, the Karamon et al. patent actually teaches away from a combination with the Oltman et al. patent. The Examiner appears to be using impermissible hindsight reconstruction based upon Applicant's disclosure to piece together disjoint bits and pieces of the cited references in an attempt to arrive at the claimed invention. Accordingly, any combination of these references along with the Denenberg headphones would also be improper as Karamon et al. teaches away from such a combination.

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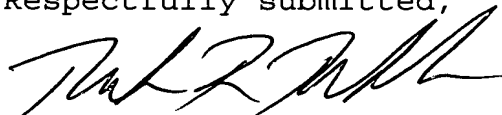
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CONCLUSION

Accordingly, it is submitted that independent Claims 1, 19, 32, 44, and 51 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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